IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 7th day of April, 2005
Bail Application no.311 of 2005
Order on the bail Application of accused

CRIMINAL SIDE

Vijay Kumar S/o Dr. Sunil Kumar
R/o Khekra
P.S. Khekra
District Bagpat (U.P.) .....Applicant

Versus

State of Uttaranchal

.....Opposite Party

Arising out of case crime No. 586 of 2004
Under Section 394, 397, 411 and 120-B of I.P.C.
Police Station Lansedown
District Pauri Garhwal.

By the court

Hon'ble B.C. Kandpal, J.

The applicant applied for bail in case crime No.586 of 2004, Under Sections 394, 397, 411 and 120-B of I.P.C. Police Station Lansedown, District Pauri Garhwal.

Heard Sri Dharam Veer learned senior counsel assisted by Mohd. Azim learned counsel for the applicant, learned A.G.A. and perused the record.

The applicant has stated in his bail application that he was, in fact, arrested by the police from his house on 10.09.2004 and thereafter, he was detained in police custody for about 10 days and during this time, the police manipulated this recovery of cash amount from his possession. The existence of the telegram which is alleged to have been sent by the applicant to the police officials has not been specifically denied.

Another important circumstance in this case is that the injured has named the applicant in his statement under Section 161 Cr. P.C. before the Investigating Officer. But the Bed Head Ticket of the injured Gajendra Badhwa shows that when he was admitted in the hospital on the date of the occurrence then he disclosed this fact to the doctor that he was stabbed by some unknown persons.

Without commenting on the merit of the case, I am of view that it is a fit case for bail at this stage.

Let the applicant, Vijay Kumar be released on bail on executing a personal bona and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

07.04.2005
ASWAL